

EXHIBIT R

(DOCUMENTATION OF THIRD-PARTY RELEASE SETTLEMENT)

(Form of Agreement – Subject to Amendment and Conforming Modifications)

Exhibit R

Documentation of Third-Party Release Settlement

The Third-Party Release Settlement Amounts to be distributed to Holders of Allowed Claims in Classes 7 and 8 will be administered and implemented pursuant to the Creditor Trust Agreement. The Third-Party Release Settlement Amounts to be distributed to Holders of Allowed Claims in Class 14 will be administered and implemented pursuant to the Plan Administrator Agreement.

The Plan provides the following mechanics with respect to the distribution of the Third-Party Release Settlement Amounts:

- As consideration for the Third-Party Release, the DIP Lender and the Foris Prepetition Secured Lenders are voluntarily agreeing in connection with the Third-Party Release Settlement to allocate Net Proceeds that would otherwise be paid to them to fund the Third-Party Release Settlement Amounts as provided for under the Plan. To the extent the Net Proceeds are insufficient to fund the Third-Party Release Settlement Amount, the Third-Party Release Settlement Amount shall be funded from an advance under the Exit First Lien Facility.
- Upon the Effective Date, the Third-Party Release Settlement Amounts that are allocated to holders of Allowed Unsecured Claims, will be transferred to the Creditor Trust and the Creditor Trustee shall fund distributions in accordance with the Plan, after payment of all direct out of pocket administrative, personnel, legal costs and expenses incurred after the Effective Date in making distributions provided for under the Plan.
- Upon the Effective Date, the Third-Party Release Settlement Amounts that are allocated to holders of Amyris Equity Interests will be administered by the Plan Administrator to fund distributions in accordance with the Plan, after payment of all direct out of pocket administrative, personnel, legal costs and expenses incurred after the Effective Date in making distributions provided for under the Plan.

The distributions to be made under the Plan to holders of Direct Claims on account of the Third-Party Release Settlement shall be the sole source of recovery for any and all such Direct Claims.

If the Third-Party Release is not approved by the Bankruptcy Court, each holder of a Direct Claim may voluntarily elect to receive its portion of the Third-Party Release Settlement Amounts to which it is entitled by electing to grant the Third-Party Release, through the following methods: (x) for (i) holders of Claims who are entitled to submit a ballot to vote on the Plan, and vote to accept the Plan, (ii) holders of Claims who are entitled to submit a ballot to vote on the Plan and (a) vote to reject the Plan or (b) abstain from voting on the Plan and, in either case, do not elect to exercise their right to opt out of granting the Third-Party Releases, and (y) for holders of Claims and Interests who are deemed to accept or reject the Plan and are provided with a notice of non-voting status providing them with the right to opt out of granting the Third-Party Releases and do not elect to exercise such right; *provided*, that, as applicable, the Direct Claims Threshold is satisfied.

The “*Direct Claims Threshold*” means (a) with respect to holders of Direct Claims who are creditors of the Debtors, determined separately with respect to such creditors classified in Class 7 and Class 8, respectively, creditors who hold at least a majority in amount of the Claims asserted against the Debtors (such Claims measured as of the Record Date (as defined in the Solicitation Materials) on the same basis as such Claims are Allowed for voting purposes) do not elect to opt out of granting the Third-Party Release; and (b) with respect to holders of Direct Claims who are Holders of any Interests consisting of issued and outstanding shares of common stock of Parent, such Holders who hold at least a majority of the outstanding common stock of Parent (excluding for purposes of such calculation, any outstanding common stock of Parent held by any of the Direct Claims Injunction Parties) (such outstanding common stock of Amyris measured as of the Distribution Record Date) do not elect to opt out of granting the Third-Party Release.

The Plan Administrator, Disbursing Agent, or Creditor Trust, as applicable, shall make distributions of the Third-Party Release Settlement Amounts to each holder of a Direct Claim who is bound by the Third- Party Release as follows: (a) with respect to holders of Direct Claims who assert General Unsecured Claims against the Debtors, Pro Rata based upon the aggregate amount of such claims timely asserted against the Debtors (such claims measured as of the Petition Date); (b) with respect to holders of Direct Claims who assert Convertible Notes Claims against the Debtors, Pro Rata based upon the aggregate amount of such Convertible Notes Claims asserted against the Debtors (such claims measured as of the Petition Date on the same basis as such Claims are Allowed for voting purposes), and (c) with respect to holders of Direct Claims who are holders of any Interests, Pro Rata based upon outstanding common stock of Parent (excluding for purposes of such calculation, any outstanding common stock of Parent held by any of the Direct Claims Injunction Parties) (such outstanding common stock of Parent measured as of the Petition Date); *provided, however,* notwithstanding Article VII.D.4 of the Plan, any and all Third-Party Release Settlement Amounts that are an Unclaimed Distribution shall be paid to the Foris Prepetition Secured Lenders and applied to obligations owing under the Exit First Lien Facility attributable to the Foris Prepetition Secured Loans that are included in the Exit First Lien Facility. With respect to holders of Direct Claims who are holders of any Interests who do not opt out of the Third-Party Release but do not receive a distribution of the Third-Party Release Settlement Amounts because of the provision in the Plan regarding the \$250 minimum distribution amount (Art. VII.D. of the Plan), such holders will not be bound by the Third- Party Release.

EXHIBIT R - REDLINE

Exhibit R**Documentation of Third-Party Release Settlement**

~~The Third Party Release Settlement Amounts will be distributed to Holders of Allowed Claims and Holders of Amyris Equity Interests as of the Distribution Record Date. The Distribution Record Date will be December 1, 2023.~~ The Third-Party Release Settlement Amounts to be distributed to Holders of Allowed Claims in Classes 7 and 8 will be administered and implemented pursuant to the Creditor Trust Agreement. The Third-Party Release Settlement Amounts to be distributed to Holders of Allowed Claims in Classes 7 and 8~~Class 14~~ will be administered and implemented pursuant to the Plan Administrator Agreement.

The Plan provides the following mechanics with respect to the distribution of the Third-Party Release Settlement Amounts:

- As consideration for the Third-Party Release, the DIP Lender and the Foris Prepetition Secured Lenders are voluntarily agreeing in connection with the Third-Party Release Settlement to allocate Net Proceeds ~~and assets of the Estates~~ that would otherwise be paid to them to fund the Third-Party Release Settlement Amounts as provided for under the Plan. To the extent the Net Proceeds are insufficient to fund the Third-Party Release Settlement Amount, the Third-Party Release Settlement Amount shall be funded from an advance under the Exit First Lien Facility.
- Upon the Effective Date, the Third-Party Release Settlement Amounts that are allocated to holders of Allowed Unsecured Claims, will be ~~administered by the Plan Administrator to transferred to the Creditor Trust and the Creditor Trustee shall~~ fund distributions in accordance with the Plan, after payment of all direct out of pocket administrative, personnel, legal costs and expenses incurred after the Effective Date in making distributions provided for under the Plan.
- Upon the Effective Date, the Third-Party Release Settlement Amounts that are allocated to holders of Amyris Equity Interests will be administered by the ~~Disbursing Agent, as selected by the Debtors,~~Plan Administrator to fund distributions in accordance with the Plan, after payment of all direct out of pocket administrative, personnel, legal costs and expenses incurred after the Effective Date in making distributions provided for under the Plan.

The distributions to be made under the Plan to holders of Direct Claims on account of the Third-Party Release Settlement shall be the sole source of recovery for any and all such Direct Claims. ~~For the avoidance of doubt, holders of Direct Claims are not entitled to receive distributions or other payment of funds from the Creditor Trust on behalf of, related to, or with respect to, such Direct Claims.~~

~~If the non consensual Third Party Releases are approved by the Bankruptcy Court, the applicable Third Party Settlement Amounts will be distributed to the holders of Allowed Claims and holders of Amyris Equity Interests as of the Distribution Record Date.~~

If the non-consensual Third Party Releases are

If the Third-Party Release is not approved by the Bankruptcy Court, each holder of a Direct Claim ~~who may~~ voluntarily ~~elected~~select to receive its portion of the Third-Party Release Settlement Amounts to which it is entitled by electing to grant the Third-Party ~~Releases~~Release, through the following methods: (x) for (i) holders of Claims who are entitled to submit a ballot to vote on the Plan, and vote to accept the Plan, (ii) holders of Claims who are entitled to submit a ballot to vote on the Plan and (a) vote to reject the Plan or (b) abstain from voting on the Plan and, in either case, ~~did~~ do not elect to exercise their right to opt out of granting the Third-Party Releases, and (y) for holders of Claims and Interests who are deemed to accept or reject the Plan and are provided with a notice of non-voting status providing them with the right to opt out of granting the Third-Party Releases and ~~who did~~ not elect to exercise such right; *provided*, that, as applicable, the Direct Claims Threshold is satisfied.

The “*Direct Claims Threshold*” means (a) with respect to holders of Direct Claims who are creditors of the Debtors, determined separately with respect to such creditors classified in Class 7 and Class 8, respectively, creditors who hold at least a majority in amount of the Claims asserted against the Debtors (such Claims measured as of the Record Date (as defined in the Solicitation Materials) on the same basis as such Claims are Allowed for voting purposes) do not elect to opt out of granting the Third-Party Release; and (b) with respect to holders of Direct Claims who are Holders of any Interests consisting of issued and outstanding shares of common stock of Amyris Parent, such Holders who hold at least a majority of the outstanding common stock of Amyris Parent (excluding for purposes of such calculation, any outstanding common stock of Amyris Parent held by any of the Direct Claims Injunction Parties) (such outstanding common stock of Amyris measured as of the Distribution Record Date) do not elect to ~~opt out of granting the Third-Party Release~~.

~~Any undistributed Third Party Release Settlement Amounts that would have otherwise been distributed to holders of Direct Claims that opted out of granting the Third-Party Release shall be paid to the Foris Prepetition Secured Lenders and applied to obligations owing under the Exit First Lien Facility attributable to the Foris Prepetition Secured Loans that are included in the Exit First Lien Facility.~~

The Plan Administrator, Disbursing Agent, or Creditor Trust, as applicable, shall make distributions of the Third-Party Release Settlement Amounts to each holder of a Direct Claim who is bound by the Third- Party Release as follows: (a) with respect to holders of Direct Claims who assert General Unsecured Claims against the Debtors, Pro Rata based upon the aggregate amount of such claims timely asserted against the Debtors (such claims measured as of the Petition Date); (b) with respect to holders of Direct Claims who assert Convertible Notes Claims against the Debtors, Pro Rata based upon the aggregate amount of such Convertible Notes Claims asserted against the Debtors (such claims measured as of the Petition Date on the same basis as such Claims are Allowed for voting purposes), and (c) with respect to holders of Direct Claims who are holders of any Interests, Pro Rata based upon outstanding common stock of Amyris Parent (excluding for purposes of such calculation, any outstanding common stock of Amyris Parent held by any of the Direct Claims Injunction Parties) (such outstanding common stock of Amyris Parent measured as of the Petition Date); *provided, however, notwithstanding*

Article VII.D.4 of the Plan, any and all Third-Party Release Settlement Amounts that ~~would have otherwise been distributed to holders of Direct Claims that opted out of granting the Third-Party Release which are unclaimed or otherwise not distributed~~are an Unclaimed Distribution shall be paid to the Foris Prepetition Secured Lenders and applied to obligations owing under the Exit First Lien Facility attributable to the Foris Prepetition Secured Loans that are included in the Exit First Lien Facility. With respect to holders of Direct Claims who are holders of any Interests who do not opt out of the Third-Party Release but do not receive a distribution of the Third-Party Release Settlement Amounts because of the provision in the Plan regarding the \$250 minimum distribution amount (Art. VII.D. of the Plan), such holders will not be bound by the Third- Party Release.

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